

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LEXINGTON INSURANCE COMPANY and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA,

Plaintiffs,

v.

VIRGINIA SURETY COMPANY, INC.

Defendant.

CIVIL ACTION NO. 04-11109 RGS

**AFFIDAVIT OF NICHOLAS C. CRAMB, ESQ. IN SUPPORT OF
DEFENDANT VIRGINIA SURETY COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

I, Nicholas C. Cramb, Esq. hereby depose and state as follows:

1. I have personal knowledge of the facts in this affidavit.
2. I am submitting this affidavit in support of Defendant Virginia Surety Company, Inc.'s ("Virginia Surety") Motion For Summary Judgment.
3. Attached hereto as Exhibit A is a true and accurate copy of the portions of the June 8, 2006 Rule 30(b)(6) Deposition of AIG By and Through William R. Eddows, Esq. cited in Defendant Virginia Surety's Motion For Summary Judgment.
4. Attached hereto as Exhibit B is a true and accurate copy of the portions of the July 31, 2006 Deposition of Charles J. Messery cited in Defendant Virginia Surety's Motion For Summary Judgment.

5. Attached hereto as Exhibit C is a true and accurate copy of the portions of the July 14, 2006 Deposition of John Goring cited in Defendant Virginia Surety's Motion For Summary Judgment.

6. Attached hereto as Exhibit D is a true and accurate copy of the relevant portions of a Specimen Copy of a NUFIC Commercial Umbrella Liability Policy produced by Plaintiffs and cited in Defendant Virginia Surety's Motion For Summary Judgment.

7. Attached hereto as Exhibit E is a true and accurate copy of the portions of the July 13-14, 2006 Rule 30(b)(6) Deposition of Virginia Surety By and Through Wayne Baliga cited in Defendant Virginia Surety's Motion For Summary Judgment.

8. Attached hereto as Exhibit F is a true and accurate copy of the portions of the August 1, 2006 Rule 30(b)(6) Deposition of AIG By and Through John B. Gould cited in Defendant Virginia Surety's Motion For Summary Judgment.

9. Attached hereto as Exhibit G is a true and accurate copy of the portions of the August 1, 2006 Deposition of Elizabeth Viscione cited in Defendant Virginia Surety's Motion For Summary Judgment.

10. Attached hereto as Exhibit H is a true and accurate copy of the portions of the July 14, 2006 Deposition of Patrick Jops cited in Defendant Virginia Surety's Motion For Summary Judgment.

11. Attached hereto as Exhibit I (Parts 1 and 2) is a true and accurate copy of a National Union Fire Insurance Company General Liability Policy produced by Plaintiffs and cited in Defendant Virginia Surety's Motion For Summary Judgment.

12. Attached hereto as Exhibit J is a true and accurate copy of a Lexington Insurance Company Stand Alone Excess Liability Policy produced by Plaintiffs and cited in Defendant Virginia Surety's Motion For Summary Judgment.

Signed under the pains and penalties of perjury.

Date: September 29, 2006

/s/ Nicholas C. Cramb
Nicholas C. Cramb, Esq.

Respectfully submitted,

VIRGINIA SURETY COMPANY, INC.

By its attorneys,

/s/ Nicholas C. Cramb
Joseph G. Blute (BBO# 047300)
John M. Stephan (BBO# 649509)
Nicholas C. Cramb (BBO# 654368)
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CERTIFICATE OF SERVICE

I, Nicholas C. Cramb, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 29, 2006.

/s/ Nicholas C. Cramb

Dated: September 29, 2006